## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

JAMES COUNTRYMAN,	)	
Plaintiff,	)	
<b>v.</b>	)	CAUSE NO. 1:11-CV-136
COMMUNITY LINK FEDERAL CREDIT UNION,	) ) )	
Defendant.	)	

## **OPINION AND ORDER**

Before the Court is an Agreed Motion for Entry of Protective Order filed by Defendant seeking approval of a proposed protective order pursuant to Federal Rule of Civil Procedure 26(c). (Docket # 16.) As the proposed order contains two deficiencies, it will be DENIED.

First, paragraph 26 of the proposed Order suggests that the Court will retain jurisdiction after the conclusion of the litigation. However, "[t]he Court is unwilling to enter a protective order that requires the Court to retain jurisdiction of any kind after the resolution of the case." *E.E.O.C. v. Clarice's Home Care Serv., Inc.*, No. 3:07-cv-601 GPM, 2008 WL 345588, at \*2 (S.D. Ill. Feb. 7, 2008) (encouraging the parties to make a contractual agreement among themselves for the return of sensitive documents without court oversight); *see also Large v. Mobile Tool Int'l, Inc.*, No. 1:02-CV-177, 2010 WL 3120254, at \*1 (N.D. Ind. Aug. 6, 2010).

Second, paragraph 27 of the proposed order reflects that the Order "may be amended by the written agreement of counsel for the Parties in the form of a stipulation . . . ." (Emphasis

Significantly, the proposed Order is limited to the discovery phase of the proceedings, as it requires the parties to obtain an additional order of the court upon a showing of good cause to file any information under seal. (*See* Proposed Agreed Protective Order  $\P$  14, 17.)

added.) However, an order of the Court cannot be modified simply through written agreement of

the parties, as the Court must ensure that the amendment conforms with the requirements of

Federal Rule of Civil Procedure 26(c)(1) and Seventh Circuit case law.

For these reasons, the Court DENIES approval of the proposed agreed protective order

(Docket # 16) submitted by Defendant. Of course, the parties may submit a revised protective

order that cures the identified deficiencies and is consistent with the requirements of Federal

Rule of Civil Procedure 26(c)(1) and Seventh Circuit case law.

SO ORDERED.

Enter for this 28th day of February, 2012.

S/ Roger B. Cosbey

Roger B. Cosbey,

United States Magistrate Judge

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